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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,622	02/01/2000	Richard Leinfellner	4648	5097
58201	7590	05/17/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW LLP/EA TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action <i>After the Filing of an Appeal Brief</i>	Application No. 09/495,622 Examiner Gregory J. Vaughn	Applicant(s) LEINFELLNER ET AL. Art Unit 2178
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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 18 April 2005 is acknowledged.

1. The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

- a. The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b. The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).

2. The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. Other: Appellant's amendments to the claims, as described in the response filed 4/18/2005 is entered into the record.
The amendment of 4/18/2005 cancels claim 8.

Applicant is also notified that the Board of Patent Appeals and Interferences(BPAI) has remanded the case back to the examiner in order to make the appeal ready for docketing as an appeal. The PBAI remand, mailed 5/4/06, requires the examiner to notify appellant to file a supplemental Appeal Brief in compliance with 37 CFR 41.37 to include all required headings.

The remand also instructs the examiner to issue a response as to the status of the after final amendment filed 4/18/2005 (which has been entered - as described above), and to have the various documents related to these activities entered (scanned) into the official record, and to allow for such further action as may be appropriate.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER